

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM JARNIGAN,

Plaintiff,

v.

NICOLE JOHNSON, GERE HEIM,
CHARMAIN J. KLYVE AND
JODI TIMMERMAN,

Defendants.

ORDER

Case No. 14-cv-597-jdp

In response to this court's September 3, 2014 order, plaintiff William Jarnigan has submitted an inmate trust fund account statement from the Rock County Jail. Accordingly, the court must determine whether he qualifies for indigent status and, if he does, calculate an initial partial payment of the \$350.00 fee for filing this case.

In determining whether a prisoner litigant qualifies for indigent status this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). According to this formula, a prisoner litigant must prepay 20% of the greater of the average monthly balance or the average monthly deposits made to his inmate account in the six-month period immediately preceding the filing of the complaint.

From the inmate account statement that plaintiff has submitted, I calculate his initial partial payment to be \$2.33. For this case to proceed, plaintiff must submit this amount on or before October 6, 2014. Plaintiff should show a copy of this order to jail officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that,

1. Plaintiff William Jarnigan is assessed \$2.33 as an initial partial payment of the \$350.00 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$2.33 or advise the court in writing why he is not able to submit the assessed amount on or before October 6, 2014.

2. If, by October 6, 2014, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff's filing his case at a later date.

3. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the PLRA, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 12th day of September, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge